IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 82 (SS) of 2003

Kishan Chandra Pant,
S/o late Sri Puran Chandra Pant,
R/o Village – Pinari,
Post Office – Berinag,
Tehsil & District – Pithoragarh. **.....Petitioner.**

Versus

1. Accountant General, Nidhi – 6, Anubhag, U.P. Allahabad.
2. State of U.P. through Education Secretary, U.P. Shashan, Lucknow.
3. Director Higher Education, U.P. Allahabad.
4. State of Uttaranchal through Secretary, Uttaranchal Shashan, Dehradun.
5. Director, Higher Education, Uttaranchal, Dehradun.

.....Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri M.C. Kandpal, Sr. Advocate, assisted by Sri S.S. Chaudhary, learned counsel for the petitioner, learned Standing Counsel for the Union of India on behalf of respondent no. 1, Smt. Beena Pandey, learned Standing Counsel for State of U.P. on behalf of respondent nos. 2 and 3, and Sri Subhash Upadhayay, learned Brief Holder State of Uttaranchal on behalf of respondents no. 4 and 5.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. *Issue a writ, order or direction in the nature of Mandamus commanding the respondent to correctly calculate the General Provident Fund amount and paid the balance of the General*

Provident Fund amount. In the matter of the petitioner case.

b. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents to pay the 10% interest of the delete payment of the General Provident Fund amount.*

c. *Issue any other order or direction, which be deemed fit and proper under the facts and circumstances of the case in favour of the petitioner.*

d. *Award the costs of the writ petition to the petitioner.*

Time was granted to the respondents to file counter affidavit. Only respondents no. 4 and 5 have filed counter affidavit, however, no counter affidavit has been filed by respondents no. 1 to 3.

The case of the petitioner is that petitioner was initially appointed as Assistant Clerk on 08.11.1956 in the Office of Commandant, Pradeshiya Shiksha Dal. In the year 1972, the services of the petitioner was merged in the Education Department and the petitioner was posted as Assistant Clerk in the office of Basic Shiksha Adhikari, Pithoragarh on account of the fact that the office of Commandant, Pradeshiya Shiksha Dal was abolished. At the time of retirement in the year 1994, he was working in Government Degree College, Berinag, District – Pithoragarh.

The submission of the petitioner is that he has submitted all the papers required for getting the pension, GPF and other retirel dues on 06.02.1995 including no

objection certificate, which is clear from paragraph 4 of the writ petition. This fact has not been denied by the respondents in their counter affidavit.

Though petitioner was retired on 30.11.1994 and all the necessary documents were submitted by him on 06.02.1995. On 25.08.1998 petitioner received 90% of the GPF amount. Thereafter, rest of the amount of GPF i.e. 10% of the GPF was paid to the petitioner by the respondent on 14.08.2003.

By means of this writ petition, petitioner now prayed that he may be paid interest on the GPF amount which was paid to him in the year 1998 and 2003 though all the papers have been submitted by him long back on 06.02.1995.

Since there is delay in making payment of GPF to the petitioner on the part of respondents and the amount of GPF was paid to the petitioner after expiry of about three and a half years from 06.02.1995 (the date when petitioner had submitted all the required papers)

In view of the aforesaid facts, I deem it fit and proper to direct the respondent no. 2 to made payment of interest to the petitioner at the rate of 8% per annum from 06.02.1995 till the date when actual payment has been made to the petitioner, on the amount within a period of four months form the date of production of certified copy of this order.

With this direction, the writ petition as well as stay application no. nil of 2003 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 7, 2006
SKSharma